

**From:** Clark Nova  
**To:** Microsoft ATR  
**Date:** 1/23/02 8:17am  
**Subject:** Microsoft Settlement

Wednesday January 23, 05:36AM

I'm writing this email under the auspice of the Tunney Act, and to give voice to my long standing concern that Microsoft has, and continues to act as a criminal, monopolist empire, and will do so in the future if appropriate action is not taken.

The foundations of Microsoft's corporate structure were laid on the work of countless, unsung programmers it defrauded, scammed, and conned into writing system components for them under contract and then used legal and financial leverage to break these contracts, leaving their developers penniless. Microsoft has been sued successfully for using the copyrighted code from other systems, so this is not in dispute. By stealing the best that countless fine minds had to offer, by strong-arming PC distributors into exclusionary contracts, and by exploiting prejudice and promoting ignorance, Microsoft built a commercial empire that threatens to cheapen, if not demolish some of the greater technological strides made in the last two decades.

It is my belief, born of years of the observation of trends in the computing industry, that Microsoft is quietly plotting to turn the personal computer, an instrument with the power to change human thought, work, and life for the better, to make mankind smarter as it were, into a sort of complex version of the television. Instead of the information processing power of commercial PC systems belonging to their owners, Microsoft is pre-emptively taking control of the consumer PC and turning it into a sort of super-marketing engine, designed to gather and disseminate ever more personal data, and bombard computer users with ever more sophisticated advertising. Indeed, aspects of this plan can already be seen in the latest editions of Microsoft operating systems. ESPECIALLY their XP operating system, which was rushed in development and released early for no other reason than to evade your court's justice. These "features" detract from, and degrade computer performance in much the same way that a gasoline company would weaken the performance of your car by bolting heavy billboards to the side of it. Microsoft partnerships with hardware developers like Intel (often thought of as Microsoft's partner in crime by members of the engineering world) only further expedite this process of degrading our valuable technology. The American people should not have to fight this insidious, deliberate trend. Indeed, it shouldn't even be an issue. However, the greed, corruptibility, and maniacal disregard for the public good of a few powerful men has forced us into this position.

It is my understanding that the anti-trust laws that Microsoft has been successfully prosecuted under were written with the primary intent of dissolving the mob-like power of the meatpacking and steel producing conglomerates of the early part of the last century. The context may have changed but the struggle is the same. These laws were not designed to deliver a slap on the wrist to the offenders. They were written to break utterly the stranglehold that these companies had on large segments of the American working and purchasing population. Please, do not beat the aging sword into a useless flyswatter. I implore your court to render a judgment that cripples Microsoft's power to aggrandize it's own corporate edifice at the expense of the public good.

A few suggestions toward achieving this end within the power of your court:



1. That Microsoft be barred from making exclusive license agreements that limit the freedom of PC distributors to sell competing software and operating systems.
2. That Microsoft be barred from "integrating" non-essential software packages such as browsers and email clients into their operating systems. Indeed, it may be most practical to simply wrest the research and development parts of the company that design non-essential software away from the parent, and require that they operate autonomously.
3. That Microsoft be required to release their windows source code, or at least the technical developer's information for it into the public domain. as it stands, the proprietary secrecy that enshrouds their code does not act to protect a highly advanced technology from usurpation. Microsoft's operating systems are actually notorious for being the BOTTOM of the industry's standards. No. The only thing that is protected by the cloak of secrecy that surrounds the cores of their operating systems is Microsoft's power to control of who is, and who is not allowed to develop software for their systems.
4. That Microsoft be required to pay restitution to its defrauded developers, and that a standing judicial panel be formed to arbitrate the thousands of potential claims that this action would engender.

Please take these words to heart. There has been rumor that Microsoft is using this same Tunney Act avenue to canvas your court with it's own propaganda. This is sure to confuse, confound, and further weaken any action that might be taken against them. Microsoft is a criminal commercial empire and always has been. Its aim is further concentration of financial capital and computing power into itself, and it has little to no regard for the welfare of the computer-reliant public.

Sincerely,

Daniel L. Swartzendruber

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